

**DR. KATHERINE M. SIMPSON**  
ARBITRATOR

**Annex IV. 9 January 2020 Letter from European Commission Officer, Colin BROWN, Deputy Head of Unit, Directorate General for Trade; Dispute Settlement and Legal Aspects of Trade Policy (Unit F2) (9 January 2020)**

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## CETA - list of arbitrators

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Thu 1/9/2020 6:51 AM

To: kmsimpso@umich.edu <kmsimpso@umich.edu>; Katherine Simpson <simpson@simpsonadr.net>

Cc: Emmy.Korodima@ec.europa.eu <Emmy.Korodima@ec.europa.eu>; Renita.BHASKAR@ec.europa.eu <Renita.BHASKAR@ec.europa.eu>

Dear Ms Simpson,

I am the deputy Head of Unit for dispute settlement and legal matters in the Directorate General of Trade of the European Commission in Brussels. I understand from my colleague Renita Bhaskar responsible for relations with Canada (in copy) that you talked on Monday about the list of arbitrators for state-to-state dispute settlement under Article 29.8 of CETA. I've also seen your comments on OGEMID.

The list in question provides a fall-back, in the event that the EU and Canada are unable to agree on the panellists between themselves. As you may be aware, the EU is just beginning to use the bilateral dispute settlement mechanism in EU agreements. In the very first case (Korea – Labour) we have appointed a female panellist (Laurence Boisson de Chazournes).

At this stage, in establishing the fall-back rosters we have largely relied on arbitrators included in rosters already in place in other free trade agreements, as we are gradually building our practice of state-to-state bilateral dispute settlement. These come from nominations received by Member States and Member States have tended to propose persons with experience in international trade dispute settlement. That said, and as discussed with Renita, we are fully conscious of the need to ensure a better balance including in terms of gender, and will be looking at ways to addressing this issue in the future.

Finally, to note that for investor-to-state dispute settlement under the investment court system introduced in CETA, we have yet to establish the lists. We are planning on launching a process for that during this year and will aim to ensure gender diversity there. In the multilateral court project we are seeking to establish a formal requirement for gender (and regional) diversity in the court statutes (as for, for example, the Rome Statute) and will insist on that. This is included in our negotiating directives (<http://data.consilium.europa.eu/doc/document/ST-12981-2017-ADD-1-DCL-1/en/pdf>. para. 11)

I remain at your disposal should you have any further questions on this issue,

Best wishes, Colin

### Colin Brown

Deputy Head of Unit

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